

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-191-T - ORDER NO. 92-697 ✓

AUGUST 26, 1992

IN RE:	Application of ENSCI Corporation,)	ORDER RULING
	1108 Old Thomasville Road, High Point,)	ON MOTION TO
	NC 27262, for a Class E Certificate of)	DISMISS
	Public Convenience and Necessity.)	

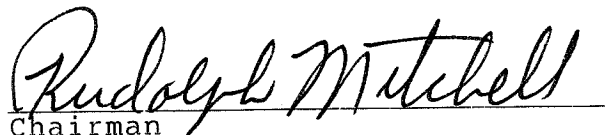
This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion to Dismiss filed on behalf of Environmental Services Corporation (ESC or the Intervenor) wherein ESC moves for an Order of Dismissal of the above-referenced Petition.

According to the Motion, dismissal is requested because ESC has served Interrogatories and a Motion to Produce upon the Applicant ENSCI. The Applicant has not answered the interrogatories and has not complied with the Commission's Order compelling the production of documents. According to the Motion to Dismiss, ESC alleges that the Applicant's refusal to cooperate in the discovery process has resulted in prejudice to the parties and unnecessary costs. Because of the failure to comply with discovery, ESC requests the Commission grant an Order of Dismissal of the Application, and not to allow the Applicant to reapply for a Class E Certificate for a period of six (6) months from the date of the order dismissing this Application.

The Commission has considered the Motion to Dismiss, the allegations contained therein, and the basis for the Motion. The Commission has determined that prior to this Motion to Dismiss, ESC has not filed a Motion to Compel to bring to the Commission's attention the failure of ENSCI to respond to the discovery requests of the Intervenor. The Commission will require ENSCI Corporation to respond to the Interrogatories of ESC and the Motion to Produce within ten (10) days of receipt of the instant Order. Failure to respond to the Interrogatories and Motion to Produce may result in dismissal of the Application of ENSCI.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


VICE Chairman

ATTEST:


Executive Director

(SEAL)